

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NEW CINGULAR WIRELESS)	
PCS, LLC, DBA AT&T MOBILITY FOR ISSUANCE)	
OF A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO CONSTRUCT A WIRELESS)	CASE NO.
COMMUNICATIONS FACILITY IN THE)	2018-00012
COMMONWEALTH OF KENTUCKY IN THE)	
COUNTY OF TODD)	

ORDER

On January 18, 2018, New Cingular Wireless PCS, LLC, a Delaware limited liability company, d/b/a AT&T Mobility, (“AT&T Mobility”) filed an application seeking a Certificate of Public Convenience and Necessity (“CPCN”) to construct and operate a wireless communications facility (“WCF”). The proposed WCF consists of a self-supporting antenna tower not to exceed 320 feet in height, with attached antenna, to be located at 5056 Highland Lick Road, Elkton, Kentucky 42220. The coordinates for the proposed facility are North Latitude 36° 54’ 23.18” by West Longitude 87° 08’ 42.36”.¹

AT&T Mobility has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally

¹ AT&T Mobility filed an amended legal advertisement on January 30, 2018, that corrected a typographical error in the case number. The amended legal advertisement contained uncorrected coordinates, but the correct address for the facility. On April 3, 2018, AT&T Mobility filed a second amended legal advertisement that contained the correct coordinates for the facility.

recognized building standards, and a licensed professional engineer has certified the plans.

Pursuant to 807 KAR 5:063, AT&T Mobility filed statements of having provided the required notifications regarding the proposed construction. Pursuant to 807 KAR 5:063, AT&T Mobility filed evidence that the county judge/executive and all property owners within 500 feet and contiguous to the cell site have been notified of the proposed construction. The notices solicited any comments and informed the recipients of their right to request intervention. To date, no public comments have been filed with the Commission.

AT&T Mobility has filed applications with the Federal Aviation Administration (“FAA”) and the Kentucky Airport Zoning Commission (“KAZC”) seeking approval for the construction and operation of the proposed facility. Both applications are currently pending approval.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that AT&T Mobility has demonstrated that a facility is necessary to provide adequate utility service and, therefore, a CPCN to construct the proposed facility should be granted.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, AT&T Mobility should notify the Commission if this antenna tower is not used to provide service in the manner set out in the application and this Order. Upon receipt of such notice, the

Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by AT&T Mobility.

IT IS THEREFORE ORDERED that:

1. AT&T Mobility is granted a Certificate of CPCN to construct a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 320 feet in height, with attached antenna, and is to be located at 5056 Highland Lick Road, Elkton, Kentucky 42220, North Latitude 36° 54' 23.18" by West Longitude 87° 08' 42.36".

2. AT&T Mobility shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of three months in the manner authorized by this Order.

3. AT&T Mobility shall file a copy of the final decisions regarding the pending FAA and KAZC applications for the proposed construction within 10 days of receiving each decision.

4. Documents filed, if any, in the future pursuant to ordering paragraphs 2 and 3 herein shall reference this case number and shall be retained in the utility's general correspondence file.

By the Commission

ENTERED
APR 05 2018
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2018-00012

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